

Order

**Michigan Supreme Court
Lansing, Michigan**

October 27, 2005

Clifford W. Taylor,
Chief Justice

127212 & (50)(53)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SHERRY COMBEN, ANTRIM COUNTY
TREASURER,
Plaintiff-Appellee,

v

SC: 127212
COA: 248963
Antrim CC: 02-007860-PS

STATE OF MICHIGAN, and
DEPARTMENT OF TREASURY,
Defendants-Appellants,

and

PURE RESOURCES, L.P., DOMINION
RESERVES, INC., WOLVERINE GAS
AND OIL COMPANY, INC., EUGENIE R.
ANDERSON, STEPHEN WARD DEVINE,
ELIZABETH PALMER DEVINE,
MICHAEL EDMUND DEVINE, SUZANNE
LEE DEVINE, WILLIAM W. DUNN,
DAVID W. FAY, EDWIN R. FAY,
PETER W. FAY, ROBERT A. FAY,
ROSAMOND S. FISHER, FREDERICK T.
GOLDING, NANCY HAMILTON, LISA
MARRIOTT JONES, DAPHNE FAY
LANDRY, GEORGE S. LEISURE, JR.,
PETER R. LEISURE, FLORA NINELLES,
MARJORIE S. RICHARDSON, JAMES W.
RILEY, JR., WILLIAM A. RILEY,
BARBARA F. ROSENBERG, ELIZABETH
R. P. SHAW, ANN WARD SPAETH,
FREDERICK S. STRONG, III, A. W.
ROBERT, STRONG REVOCABLE TRUST,
and EUGENIE S. KAUFFMAN,
Defendants-Appellees.

By order of May 27, 2005, the parties were directed to file supplemental briefs. On order of the Court, the briefs having been filed, the application for leave to appeal the August 31, 2004 judgment of the Court of Appeals is considered, and it is GRANTED. The parties are directed to include among the issues briefed: (1) whether the state defendants have standing to prosecute this appeal, and (2) whether a lessee of mineral rights who has leased the rights from the surface estate owner is (a) entitled to notice in foreclosure proceedings under the General Property Tax Act, MCL 211.78k(5)(e), or (b) has a “severed” mineral interest that is unaffected by foreclosure proceedings involving the surface estate. The motion to file brief amicus curiae is GRANTED.

We invite amicus briefing from interested persons and organizations, including the Real Property Law Section of the State Bar of Michigan and the Michigan Oil and Gas Association.

WEAVER, J., concurs and states as follows:

I concur in the order granting leave to appeal, but write separately because it appears unnecessary to include among the issues to be briefed the question whether the state of Michigan, defendant-appellant, has standing to pursue this appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 27, 2005

A handwritten signature in cursive script, reading "Corbin R. Davis".

Clerk